

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

BMT DESIGNERS & PLANNERS, INC.,
fdbA BMT D&P, fdbA BMT fdbA BMT DAS US,

Case No. 22-10123 (MG)

Debtor.
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**ORDER, PURSUANT TO 11 U.S.C. §§ 105(a) AND 721, AUTHORIZING THE
CHAPTER 7 TRUSTEE TO OPERATE THE DEBTOR'S BUSINESS AND PAY
CERTAIN OPERATING EXPENSES OF THE ESTATE AND RELATED RELIEF**

Upon the motion (“Motion”)¹ [ECF Dkt. # ____] of Salvatore LaMonica, solely in his capacity as the Chapter 7 Trustee (“Trustee”) of the BMT Designers & Planners, Inc., fdbA BMT D&P, fdbA BMT fdbA BMT DAS US (“Debtor”) estate (“Estate”), by his counsel, LaMonica Herbst & Maniscalco, LLP, seeking the entry of an Order, pursuant to Bankruptcy Code sections 105(a) and 721, authorizing the Trustee: (i) to continue to operate the Debtor’s business with the assistance of the Debtor’s former employees and officers as independent contractors of the Estate from October 4, 2022 through and including December 2, 2022, without prejudice to seek to further extend such time; (ii) to continue to maintain the Debtor’s Operating Account at Truist Bank during this interim period of time while the Trustee continues to collect the accounts receivable; (iii) an interim Order authorizing the Trustee to operate the Debtor’s business and pay related expenses while the Motion is pending from October 4, 2022 until the Hearing; and (iv) related relief; and upon the Court having entered an interim Order authorizing the Trustee to operate the Debtor’s business and pay related expenses from October 4, 2022 until the Hearing [ECF Dkt. # ____]; and upon the Trustee having served the necessary parties in accordance with Bankruptcy Rule 2022, with an Affidavit of Service having been filed with the Court [ECF Dkt. # ____];

¹ Capitalized terms not otherwise defined herein shall have the definition ascribed to them in the Motion.

and no objections to the relief requested in the Motion having been filed; and upon the video hearing having been scheduled before the Court on **October 19, 2022 at 10:00 a.m.** (“Hearing”), the record of which is incorporated herein by reference; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found and determined that the relief sought in the Motion is in the best interest of the Estate, and its creditors and all parties in interest and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore, it is hereby:

ORDERED, that the Motion is granted as set forth herein; and, it is further

ORDERED, that the Trustee is authorized to operate the Debtor’s business and pay the necessary expenses for an interim period, from October 4, 2022 through and including December 2, 2022, without prejudice to seek further extensions of such authority; and, it is further

ORDERED, that the Trustee is authorized, as he deems necessary, to hire and pay the Debtor’s former officers and employees as independent contractors to assist with the wind down of the Debtor’s business, including, but not limited to, the collection of the outstanding accounts receivable; and, it is further

ORDERED, the Trustee is authorized maintain the Debtor’s Operating Account at Truist Financial Corporation during this interim period of time and to sweep any funds that are paid into the Debtor’s Operating Account into the Estate account; and, it is further

ORDERED, that, pursuant to Bankruptcy Code section 704(a)(8), the Trustee shall prepare and file monthly operating business reports on the appropriate form issued by the U.S. Trustee; and, it is further

ORDERED, that the Trustee is authorized and empowered to expend such funds and execute and deliver all documents as are reasonably necessary to implement the terms of this Order; and, it is further

ORDERED, that this Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: October __, 2022
New York, New York

Honorable Martin Glenn
Chief United States Bankruptcy Judge